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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/849,594 | 05/04/2001 | Daniel J. Sorensen | KCC-15,481 | 8899 |

35844 7590 04/15/2003

PAULEY PETERSEN KINNE & ERICKSON
2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES, IL 60195

EXAMINER

COLE, ELIZABETH M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1771

DATE MAILED: 04/15/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-14

Office Action Summary

Application No.

09/849,594

Applicant(s)

SORENSEN ET AL.

Examiner

Elizabeth M Cole

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-16 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-16 and 18-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/12/03 has been entered.

2. Claim 1 is objected to because of the following informalities: it seems that there should be an "is" between 'rows' and "equally" in line 7. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 12-16, 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridges et al, U.S. Patent No. 5,624,420 in view of EP 0,677, 284.

Bridges et al discloses a bonded material comprising first and second layers of liquid impermeable material which are at least partially overlapped and which comprise a plurality of ultrasonic bond points which bond the layers together. The bond points are aligned in at least two parallel rows and are offset from one another, see figs. 1A-1H. The point bonds may have a diameter of about 0.05 inches and the bond points may be spaced about 0.01 inches from each other. See col. 7, lines 23-55. The first and second layers may comprise plastic films and nonwoven webs. See col. 8, lines 22-57. A preferred material for the first and second layers is Series 6700 Nonwovens, which is a breathable material, (see col. 4, lines 17-35 of U.S. Patent No. 5,622,589). Bridges et al also discloses diapers, training pants and other hygiene articles which comprise the bonded material. Bridges et al also teaches a method of bonding two layers

of liquid impermeable material comprising the steps of ultrasonically bonding the layers together with point bonds and displacing portions of each layer of material. See col. 7, lines 1-22. As seen in Fig. 1E, each of the bond points in each of the rows are equally spaced.

Bridges differs from the claimed invention because Bridges does not teach that at least one of the bond points in each of the rows is equally spaced apart from at least three other bond points. However, Bridges does teach at col. 6, lines 25-41 that the size, shape and spacing of the bonds may be varied by those having ordinary skill in the art in order to balance the needs of strength and tearability, in view of the particular materials and processing parameters employed. EP '284 teaches that a configuration wherein at least one of the bonds points in each of the rows is equally spaced apart from at least three other bonds points as shown in fig. 4 as bond elements 25 allow a sufficiently strong, yet soft and flexible bonded material to be formed without the need for additional adhesive. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the bonds in Bridges according to the pattern shown in fig. 4 of '284. One of ordinary skill in the art would have been motivated to form the bonds according to the pattern of fig. 4 of '284 because this configuration of point bonds imparts excellent strength to the bonded material, while still being soft and flexible.

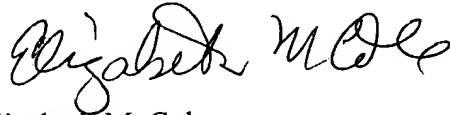
4. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 5:00 PM Monday through Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for official faxes is (703) 872-9310. The fax number for official after final faxes is (703) 872-9311. The fax number for unofficial faxes is (703) 305-5436.

A handwritten signature in black ink, appearing to read "Elizabeth M. Cole". The signature is fluid and cursive, with the first name "Elizabeth" written in a larger, more prominent script than the last name "M. Cole".

Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c
April 14, 2003